

FILED

July 13 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0340

FILED

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

ROBERT HILTEN and LYNN HILTEN,

Plaintiffs and Appellants,

v.

ROY BRAGG,

Defendant and Appellee.

ORDER

The Plaintiffs and Appellants have filed, through their counsel, a “motion to stay notice of appeal” in this matter. They state the Twenty-Second Judicial District Court has granted summary judgment, but a motion for sanctions is pending, so that their notice of appeal was premature.

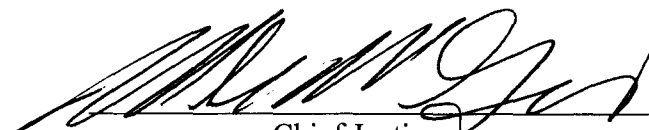
As the Plaintiffs and Appellants point out, a notice of appeal filed after the announcement of a decision or order but before entry of the written judgment shall be treated as filed on the day of such entry, and the district court is not deprived of jurisdiction to enter the written judgment by the premature filing of the notice of appeal. M. R. App. P. 4(5)(a)(ii).

THEREFORE,

IT IS ORDERED that the notice of appeal does not deprive the District Court of jurisdiction to enter final judgment in that court’s Cause No. DV 08-25, and the notice of appeal shall be treated as filed on the day of entry of final judgment in that cause.

The Clerk is directed to provide copies of this Order to all counsel of record.

DATED this 13 day of July, 2009.

  
Chief Justice